

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminairc

**REMARKS**

Reconsideration of the above referenced application is hereby requested. Claims 1-10,  
12-28 remain pending in the present application. Claim 11 is canceled.

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

### **35 USC § 102 REJECTION**

The Examiner has rejected Claim 18 under 35 USC § 102(b) as being anticipated by Mellema (US Patent No. 4,551,793). Applicant's Attorney respectfully traverses the Examiner under this ground of rejection.

The Examiner has stated that Mellema discloses a luminaire housing having a lamp, a support arm outwardly extending from and integral with the housing and adapted to receive and securely affix a davit arm therein, and a mounting face, referred to cited as reference numeral 13 positioned on the support arm and mountable on a side of a vertical lighting support pole as shown in Figure 2. However, the citation to Figure 2 as disclosing a support arm mountable on a side of a vertical lighting support pole is incorrect as it is apparent that the mounting face 13, incorrectly described by the Examiner, is actually the mounting bracket 13 and mounting sleeve 12 which mounts to the end of a cylindrical mounting pole 22. In fact, Mellema does not disclose the mounting on an arcuate mounting face encircling a davit arm aperture of a support arm as is presently claimed in Claim 18. Mellema does not disclose a support arm which has an aperture, the aperture further providing an arcuate mounting face encircling the aperture. As such, the Mellema reference does not properly anticipate presently pending Claim 18 and Applicant's Attorney respectfully requests the Examiner remove said rejection.

### **35 USC § 103(a) REJECTIONS**

The Examiner has rejected Claims 10, 12, 13, 15, 19-22, and 28 as being rejected under 35 USC § 103(a) as being unpatentable over Mellema in view of Taylor (US Patent No. 4,426,676). Applicant's Attorney respectfully traverses the Examiner under this ground of rejection.

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

Mellema discloses a road illumination luminaire having a housing 3 and an assembly member 4, the assembly member being a separate bracket for mounting on the outside against the housing by means of cover member 13, the cover member 13 also having sleeve 12. The housing further has an aperture on the lower wall 6 and on the side wall 9 as disclosed in Figure 3. Mellema requires the sleeve assembly 4 for mounting on the end of a vertical pole (See column 1, lines 45-47) ("a sleeve for receiving therein the end of a pole, the cover member being secured against the outside of the housing of the luminaire over the apertures in the lower wall and the said one side wall, the cover member being securable to the housing such that the sleeve cooperates with either one or the other of said apertures.").

The Examiner has admitted Mellema does not disclose a clamping bracket and has cited to Taylor to provide such teachings. However, as is readily apparent from the sectional diagram of Mellema, Figure 3, the bracket disclosed in Taylor is not combinable with the Mellema reference since Mellema has both an upper and lower entry aperture 35 and 36 and by insertion of the clamping bracket of Taylor would make the lower entry aperture unusable thereby allowing the pole only to be inserted through aperture 35. Thus, by inserting the bracket 14 of Taylor into the Mellema device, Mellema would be rendered inoperable for use in mounting on the end of a pole as the device in Mellema is particularly intended for.

Mellema describes a luminaire which is to be mounted on the end of a pole with either aperture facing the pole end. The illumination luminaire may be mounted on a pole end of any particular diameter and inclination through the use of a sleeve for receiving therein the end of the pole. Mellema requires that the assembly be affixed to the luminaire with the sleeve of the assembly slid over the end of the pole and fixed to that pole end.

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

Nothing in the Mellema reference alone or in combination with Taylor discloses a fixture housing and support arm, the support arm having a curved vertical mounting plate for mounting to the side wall of a pole while also having a clamp bracket internally affixed to the support arm as is presently claimed.

Thus, it is felt that currently pending Claim 10, for the reason stated herein, is allowable over the cited combination of Mellema in view of Taylor as neither of the references discloses among other things alone, or in combination, a wide area illumination lighting fixture which allows the lighting fixture housing to be directly mounted against a curved light pole while additionally having an integral davit arm aperture formed in the same mounting face which is mountable to said pole while also having an internal clamp bracket to adjustably secure a davit arm. These are some of the many novel design elements of the presently claimed luminaire mounting system. For these reasons it is felt that Claim 10 is allowable over the cited references and further that the dependent claims cited by the Examiner, namely Claims 12, 13 and 15 are likewise allowable.

The Examiner has further rejected Claim 19 based upon the combination of Mellema and Taylor, Claim 19 depending from amended Claim 18. Applicant's Attorney likewise feels that Claim 19 is allowable.

Claims 19-22 all depend from currently amended Claim 18. None of the references cited by the Examiner, namely the Taylor or the Mellema reference, disclose an outwardly extending support arm which is securable to a davit arm through an aperture in combination with a mounting face as is presently claimed which is positioned on the support arm and mountable against the side of a vertical lighting pole. As neither of the references cited by the Examiner

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

teach nor even remotely suggests such a combination, it is felt that Claims 19-22 are allowable over the references. Applicant's Attorney therefore respectfully requests the Examiner allow said claims.

In regards to Claim 28, the Examiner stated that Mellema discloses a fixture housing having a lamp and lens, the housing having a curvilinear mounting surface, the Examiner citing to the left end bottom portion of the housing in Mellema, while also having a curvilinear mounting surface with a mounting davit arm aperture cited as being reference number 35 in Figure 3, for receiving a davit arm therethrough. However, while the Examiner has stated that the Mellema reference discloses a curvilinear mounting surface, no such curvilinear mounting surface exists in the disclosure. The Examiner has cited to reference numeral 35 for teaching such a curvilinear mounting surface. However, 35 is disclosed as an aperture which is a flat planar aperture which is designed to receive the L-shaped mounting bracket 13. Thus, the Examiner has cited to Mellema as disclosing a curvilinear mounting surface which simply does not exist in the disclosure since the surface must be flat and planar in order to directly mount the mounting bracket 13 thereagainst. There is simply no disclosure in the Mellema reference wherein the housing has the claimed housing structure. Applicant's Attorney therefore respectfully requests the Examiner remove said rejection.

The Examiner has further rejected Claims 1, 5, 6, and 23 under 25 USC § 103(a) as being unpatentable over Mellema in view of Bilson et al. (US Patent No. 4,152,757). Applicant's Attorney respectfully traverses the Examiner under this ground of rejection. As noted above, the Mellema reference significantly fails to disclose the universal mounting luminaire presently claimed which has an arquate mounting surface for surface mounting against a pole integrated

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

with an integral davit arm aperture. The Examiner has cited to the Bilson reference as supplying the noted lack of teaching. The Examiner, in the description of the rejection for Claim 1, has stated that Bilson discloses an *outline* of a mounting surface which is arcuate. However, such a description is inaccurate and not supported by the Bilson reference. The mounting surface described as reference numeral 22 and 26 in Figure 1, is a flat surface as described in the specification (see column 2, lines 66-68) (At the end for supporting the mast from a structure, the wall of mass 10 is flanged at right angles to the tube length to secure the mass to the structure.") In order for the flanges to be at right angles, they must be perpendicular and flat, not curved as suggested by the Examiner. Further, it is noted that Claim 1 does not claim an outline of a mounting surface but the actual mounting surface itself. Thus, by rejecting Claim 1 based upon the *outline* disclosed in the Bilson reference is inappropriate since that is not what has been claimed, the actual mounting surface as appropriately set forth in Claim 1 likewise, Claim 5 and Claim 6 depend from Claim 1 and similarly, there is a lack of teaching in the Bilson reference for support of such rejection. Applicant's Attorney therefore respectfully requests the Examiner allow said claims. Particularly as Mellema does not disclose a mounting surface as is claimed, but as suggested by the Examiner, merely discloses an outline of a curvature formed on a flat planar surface as is described in the Bilson specification.

Similarly, Claim 23 which depends from Claim 18, is likewise not disclosed in the combination of Mellema and Bilson as there is no disclosure within the Bilson reference for providing a mounting surface as is presently claimed in Claim 18. Therefore, Applicant's Attorney respectfully requests allowance of Claim 18 and 23 as the cited reference fails to teach or even remotely suggests the claimed limitations.

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

The Examiner has provided a three way combination rejection of Claims 2-4, 7-9, 14, 16 and 24-27 as being unpatentable over Mellema and Taylor and Bilson. Applicant's Attorney respectfully traverses the Examiner under these grounds of rejection.

As noted above, the Mellema reference fails to disclose a significant portion of the claimed subject matter the universal mount luminaire claimed in the present application. Neither the Mellema reference, as described herein and which requires the separate assembly member 4 which enables the luminaire to be mounted on the *end* of a *pole*, nor the Bilson or Taylor reference, teach additional structure which would render the claimed combination obvious. Mellema, as described, merely provides an adaptor bracket which allows an illumination device to be mounted on the end of a pole and does not teach nor suggests a combinational mount as is presently claimed allowing a davit arm aperture to be formed in a support arm while also allowing the support arm to serve as the mounting surface as is presently claimed. The Bilson and Taylor reference fail to disclosure such a structure. Particularly, the Bilson reference shows a wall 10 outwardly extending and flanged at right angles to the tube. The flange 22 allows mast to be attached to a structure in a conventional manner. As can be readily seen, the structure requires the mast or tube 16, the integral flange members 26 and 22, receiver section 32 and support clamp 64 for mounting against the mast as disclosed in Figure 2.

Taylor, in the other hand, merely discloses a luminaire mounting wherein a davit arm extends into the luminaire mounting as is known and having a mounting plate 14 which requires four separate screws or bolts, the forward pair 22 and the rear pair 21 which surround the mounting davit arm pole 12 and allows the luminaire to rest against curved rib 16. Nothing in the three-way combination cited by the Examiner teaches the claimed subject matter of the

Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

independent claims currently under rejection. Specifically, neither of the three references cited by the Examiner disclose a universal mount luminaire having an integral support arm with an arcuate mounting surface for pole surface mounting. Neither do any of the cited references teach alone, or in combination, a vertical mounting plate which has an outwardly facing curvilinear mounting face as is set forth in Claim 16.

Further, in relation to Claims 24-27, it is noted that there is no disclosure in any of the three references cited by the Examiner of the internal clamp and leveling bracket combination and structure set forth therein. Particularly, as cited in Claim 25, the opposing nature of the leveling bracket and internal clamp is not found in any of the references cited by the Examiner. The Examiner has cited to the Taylor reference as disclosing such structure while citing to the internal light housing side wall as being an internal clamp. However, as is readily apparent, the structure of the Taylor device fails to disclose the internal structure set forth in Claims 24-27. Thus, it is felt that the three-way combination cited by the Examiner of Mellema, Taylor and Bilson insufficient and in fact directly teaches away from the claimed structure presently set forth herein, particularly as there is no way to include the internal structure of the Taylor device into the Mellema without destroying the functionality clearly set forth in the Mellema device as previously mentioned. Further, the Bilson reference requires separate mast arm and flat planar flange structures for additional mounting which significantly differs from the claimed subject matter of the set forth inventive claimed combination. Applicant's Attorney therefore respectfully requests the Examiner remove said rejections.



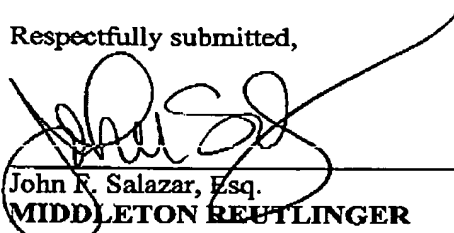
Serial No.: 10/020,811  
Atty. Dkt.: ZK988/02014  
Title: Universal Mount Luminaire

**CONCLUSION**

Applicant's Attorney feels the present case is in condition for allowance. As indicated the amended claims are felt to be allowable over the three-way combination reference and rejections based upon the Mellema, Taylor and Bilson references. Applicant's Attorney therefore respectfully requests the Examiner allow said claims and pass the application into allowance. However, if the Examiner feels that other issues remain and require resolution before issuance of a notice of allowance, Applicant's Attorney would appreciate a collect call to discuss such issues.

Respectfully submitted,

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John R. Salazar, Esq.  
**MIDDLETON REUTLINGER**  
2500 Brown & Williamson Tower  
Louisville, Kentucky 40202  
(502)584-1135 phone, (502) 561-0442 fax  
email: jsalazar@middreut.com